

AMENDED IN ASSEMBLY FEBRUARY 5, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 19

Introduced by Assembly Member Leslie
(Coauthors: Assembly Members Benoit, Cogdill, Koretz, Levine,
Longville, Maze, and Spitzer)

December 2, 2002

An act to amend Section 10754 of, and to add Section 11004.7 to, the Revenue and Taxation Code, and to amend Section 9551.2 of, and to add Section 23583 to, the Vehicle Code, relating to taxation, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 19, as amended, Leslie. Taxation: vehicle license fee: offset: driving while under the influence.

Existing law imposes various penalties on persons convicted of driving while under the influence. Existing law provides for a reduction in the full amount of the vehicle license fee by an offset, as specified.

This bill would prohibit persons convicted of a driving while under the influence offense from receiving for 5 years from the date of the conviction the reduction in the full amount of the vehicle license fee by the offset, provided that the person committed the offense on or after January 1, 2004.

This bill would create the ~~D.U.I.~~ *DUI* subaccount in the Motor Vehicle License Fee Account in the Transportation Tax Fund, and would require the increased fees that otherwise would have been offset to be deposited into that subaccount. The bill would continuously

appropriate the funds in that subaccount to the Department of the California Highway Patrol.

This bill would result in a change in state taxes for the purpose of increasing state revenues within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of $\frac{2}{3}$ of the membership of each house of the Legislature.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 10754 of the Revenue and Taxation
2 Code is amended to read:

3 10754. (a) Except as provided in subdivision (d) and
4 notwithstanding any other provision of law, the total amount of the
5 vehicle license fee otherwise required with respect to a vehicle
6 shall be offset in accordance with those provisions set forth below
7 that are operative pursuant to subdivision (b):

8 (1) (A) For any initial or original registration of any vehicle,
9 never before registered in this state, for which the final due date
10 for the license fee is on or after January 1 of any calendar year for
11 which this paragraph is operative, and for any renewal of
12 registration with an expiration date on or after January 1 of any
13 calendar year for which this paragraph is operative, the department
14 shall offset the total amount of fees otherwise due at the time of
15 registration of that vehicle by an amount equal to 25 percent of the
16 amount computed pursuant to Section 10752 or 10752.1, or
17 Section 18115 of the Health and Safety Code.

18 (B) Upon proper payment of license fees to the Department of
19 Motor Vehicles, the amount of the offset for each vehicle shall be
20 transferred into the Motor Vehicle License Fee Account in the
21 Transportation Tax Fund, and into the Local Revenue Fund,
22 pursuant to Section 11000 or Section 11000.1, as applicable.

23 (C) During any period in which insufficient moneys are
24 available to be transferred from the General Fund to fully fund the
25 offsets required by subparagraph (A), within 90 days of a
26 reduction of funding, the department shall reduce the amount of
27 each offset computed pursuant to that subparagraph by
28 multiplying that amount by the ratio of the amount of moneys



1 actually available to be transferred from the General Fund to pay
2 for those offsets to the amount of moneys that is necessary to fully
3 fund those offsets.

4 (2) (A) For any initial or original registration of any vehicle,
5 never before registered in this state, for which the final due date
6 for the license fee is on or after January 1 of any calendar year for
7 which this paragraph is operative, and for any renewal of
8 registration with an expiration date on or after January 1 of any
9 calendar year for which this paragraph is operative, the department
10 shall offset the total amount of fees otherwise due at the time of
11 registration of that vehicle by an amount equal to 35 percent of the
12 amount computed pursuant to Section 10752 or 10752.1, or
13 Section 18115 of the Health and Safety Code.

14 (B) Upon proper payment of license fees to the Department of
15 Motor Vehicles, the amount of the offset for each vehicle shall be
16 transferred into the Motor Vehicle License Fee Account in the
17 Transportation Tax Fund, and into the Local Revenue Fund,
18 pursuant to Section 11000 or Section 11000.1, as applicable.

19 (C) During any period in which insufficient moneys are
20 available to be transferred from the General Fund to fully fund the
21 offsets required by subparagraph (A), within 90 days of a
22 reduction of funding, the department shall reduce the amount of
23 each offset computed pursuant to that subparagraph by
24 multiplying that amount by the ratio of the amount of moneys
25 actually available to be transferred from the General Fund to pay
26 for those offsets to the amount of moneys that is necessary to fully
27 fund those offsets.

28 (3) (A) For any initial or original registration of any vehicle,
29 never before registered in this state, for which the final due date
30 for the license fee is on or after January 1 of any calendar year for
31 which this paragraph is operative, and for any renewal of
32 registration with an expiration date on or after January 1 of any
33 calendar year for which this paragraph is operative, the department
34 shall offset the total amount of fees otherwise due at the time of
35 registration of that vehicle by an amount equal to 67¹/₂ percent of
36 the amount computed pursuant to Section 10752 or 10752.1, or
37 Section 18115 of the Health and Safety Code.

38 (B) Upon proper payment of license fees to the Department of
39 Motor Vehicles, the amount of the offset for each vehicle shall be
40 transferred into the Motor Vehicle License Fee Account in the

1 Transportation Tax Fund, and into the Local Revenue Fund,
2 pursuant to Section 11000 or Section 11000.1, as applicable.

3 (C) During any period in which insufficient moneys are
4 available to be transferred from the General Fund to fully fund the
5 offsets required by subparagraph (A), within 90 days of a
6 reduction in funding, the department shall reduce the amount of
7 each offset computed pursuant to that subparagraph by
8 multiplying that amount by the ratio of the amount of moneys
9 actually available to be transferred from the General Fund to pay
10 for those offsets to the amount of moneys that is necessary to fully
11 fund those offsets.

12 (b) The offset provisions set forth in subdivision (a) shall be
13 operative as provided by the following:

14 (1) Paragraph (1) of subdivision (a) shall be operative for
15 vehicle license fees with a final due date in the calendar year
16 beginning on January 1, 1999.

17 (2) Paragraph (2) of subdivision (a) shall be operative for
18 vehicle license fees with a final due date on or after January 1,
19 2000, and before July 1, 2001.

20 (3) Paragraph (3) of subdivision (a) shall be operative for
21 vehicle license fees with a final due date on or after July 1, 2001.

22 (c) (1) For purposes of this section, “department” means the
23 Department of Motor Vehicles with respect to a vehicle license fee
24 offset for a vehicle subject to registration under the Vehicle Code,
25 and the Department of Housing and Community Development
26 with respect to a vehicle license fee offset for a manufactured
27 home, mobilehome, or commercial coach described in Section
28 18115 of the Health and Safety Code.

29 (2) For purposes of this section, the “final due date” for a
30 license fee is the last date upon which that fee may be paid without
31 being delinquent.

32 (d) (1) When a person is convicted of driving while under the
33 influence, and the violation occurred on or after January 1, 2004,
34 for five years from the date of the conviction the person shall pay
35 for each initial, original, or renewal registration during those five
36 years the full amount of the vehicle license fee, without any
37 reduction by the offset provided for by this section.

38 (2) If the person during the five-year period specified in
39 paragraph (1) is again convicted of driving while under the

1 influence, a new five-year period as prescribed by paragraph (1)
2 shall commence upon that subsequent conviction.

3 (3) For purposes of this subdivision, the following apply:

4 (A) “Convicted” includes a finding by a judge of a juvenile
5 court, a juvenile traffic hearing officer, or a referee of a juvenile
6 court that a person has been found to have committed a driving
7 while under the influence offense.

8 (B) “Driving while under the influence” means a driving while
9 under the influence offense set forth in Chapter 12 (commencing
10 with Section 23100) of Division 11 of the Vehicle Code.

11 SEC. 2. Section 11004.7 is added to the Revenue and Taxation
12 Code, to read:

13 11004.7. (a) There is hereby created in the Motor Vehicle
14 License Fee Account in the Transportation Tax Fund ~~the D.U.I.~~,
15 *the DUI* subaccount.

16 (b) The additional amount of vehicle license fees that a person
17 pays as a result of subdivision (d) of Section 10754 shall be
18 deposited by the Department of Motor Vehicles into the ~~D.U.I.~~
19 *DUI* subaccount.

20 (c) Notwithstanding Section 13340 of the Government Code,
21 the funds in the ~~D.U.I.~~ *DUI* subaccount are continuously
22 appropriated to the Department of the California Highway Patrol.

23 SEC. 3. Section 9551.2 of the Vehicle Code is amended to
24 read:

25 9551.2. (a) Except as provided in subdivision (b), when an
26 application is made for a renewal or initial registration of a vehicle,
27 the department shall apply the amount of any operative offset
28 established by subdivision (a) of Section 10754 of the Revenue
29 and Taxation Code. The department shall alter its billing notice for
30 vehicle license fees to indicate the amount of the vehicle license
31 fee for each vehicle as calculated under Section 10752 or 10752.1
32 of the Revenue and Taxation Code, or under Section 18115 of the
33 Health and Safety Code, and the amount of the applicable offset
34 as required by subdivision (a) of Section 10754 of the Revenue and
35 Taxation Code. The amount of the offset shall be identified on the
36 billing notice as the “VLF Offset.”

37 (b) When the department is notified, pursuant to Section 1803,
38 1816, or 23140 that the applicant has been convicted of violating,
39 or, in the case of a minor, has been found to have committed, a
40 driving while under the influence offense set forth in Chapter 12

1 (commencing with Section 23100) of Division 11, and the
2 violation occurred on or after January 1, 2004, then pursuant to
3 subdivision (d) of Section 10754 of the Revenue and Taxation
4 Code, the department shall bill the applicant for the full amount of
5 the applicable vehicle license fee.

6 (c) The Department of Motor Vehicles shall, as required by
7 Section 11000 of the Revenue and Taxation Code, provide
8 information to the Controller with respect to the amount of offsets
9 subject to this section.

10 SEC. 4. Section 23583 is added to the Vehicle Code, to read:

11 23583. (a) When a person is convicted of violating a driving
12 while under the influence offense set forth in Chapter 12
13 (commencing with Section 23100) of Division 11, and the
14 violation occurred on or after January 1, 2004, the court in which
15 the person is convicted shall inform the person that for each
16 vehicle for which he or she is required to pay a vehicle license fee,
17 he or she will pay the full amount of the vehicle license fee without
18 any reduction by the offset provided for by Section 10754 of the
19 Revenue and Taxation Code for five years from the date of the
20 conviction. The court's failure to do so shall not relieve the person
21 of the suspension.

22 (b) For purposes of this section, "convicted" includes a finding
23 by a judge of a juvenile court, a juvenile traffic hearing officer, or
24 referee of a juvenile court that a person has been found to have
25 committed a driving while under the influence offense.

